IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1078 OF 2004

IN
CRIMINAL APPEAL NO. OF 2004

Shri Gajanan Shankar Malusare ...Applicant
V/s.
Joginder Singh Nirankari ...Respondent

Mr.Pramod Pawar for Applicant.
Mr.P.A. Pol APP for the State.

CORAM : V.M. KANADE, J.

DATED : 4th SEPTEMBER, 2007.

P.C:-

1. Heard learned counsel for the Applicant.

2. Applicant/original complainant has filed this application challenging judgment and order passed by JMFC, Khadki, Pune whereby Respondent/Accused was acquitted for the offence punishable U/s 406 and 420 of IPC.

3. A complaint was filed the Applicant against Respondent, alleging that the Respondent had collected electricity charges from the residents of area. It is alleged that the Respondent deceived and cheated the Complainant and, therefore, complaint U/s.420 and 406 of IPC was filed.

4. I have perused the impugned order. The Trial Court having taken into consideration evidence on record held that the Applicant herein had not proved that the monies which were collected by the Respondent/Accused, were utilized for his own benefit and electricity bill was not paid by him.

5. In my view, there is no perversity in the order passed by the Trial Court. Leave is refused. Criminal application is dismissed. Criminal appeal, therefore, does not survive.

V.M. KANADE, J.